IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.20 OF 2005

Mrs.Jaspreet Kaur Sarvinder Singh. ... Applicant.
Versus.
Satvinder Singh Iqbal Singh. ... Respondent.

Ms.Smita Mane i/by Shri P.B.Shah for the Applicant.

Shri Rajesh A.More for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 6th May, 2005.

P.C.:

1. The Application was finally heard on the earlier date and today it is kept for judgment.

2. The Application is by the wife praying for transfer of the Petition No.824 of 2004 filed by the Respondent in the Family Court at Pune to the Court of the Civil Judge, Senior Division, Sangamner, Ahmednagar District. The said petition is filed by the Respondent-husband for restitution of conjugal rights. The Applicant has filed an application under section 125 of the Code of Criminal Procedure, 1973, for grant of maintenance and the said application is pending in the Court of the Judicial Magistrate First Class, Sangamner, District Ahmednagar. The Applicant has prayed for transfer on the ground of convenience. The Applicant has pointed out that she is the resident of Vidhyanagar, Taluka Sangamner,District Ahmednagar and she finds it difficult to attend the

Family Court at Pune. It is pointed out that the Applicant has to depend on her parents for livelihood. It is not possible for her to visit Pune and stay at Pune for attending the proceedings at Family Court, Pune. The Application is opposed by the Respondent by filing affidavit-in-reply. It is contended in the reply that the Applicant is highly educated and she has completed her diploma course in computer. He has stated that prejudice will be caused to the Respondent if order of transfer is passed.

3. It is not in dispute that the Respondent-husband is required to attend the Court at Sangamner for attending to the Application made by the Applicant for maintenance. There cannot be any dispute that for convenience of both the parties, both the matters will have to be heard by one and the same Court. In the matter of this nature, it is convenience of the wife which is to be seen. The wife is the resident of Vidhyanagar, Taluka Sangamner and is residing with her parents. Considering the fact that the Civil Judge, Senior Division, Sangamner is conferred with the power of the Judicial Magistrate First Class, both the matters can be heard by the same learned Judge. Hence case for transfer is made out.

4. Accordingly, I pass the following order:

(i) Petition P.A. No.824 of 2004 filed by the Respondent in the Family Court at Pune is transferred to the Court of the Civil Judge, Senior Division, Sangamner. After transfer of the said petition, the learned District Judge, Ahmednagar will pass an order for assigning the said petition along with Criminal Application No.72 of 2004 filed by the Applicant to one and the same learned Judge.

(ii) The parties and the concerned Court to act on an authenticated copy of this Order.

Judge.